"FINANCE AND COMMERCE DEPARTMENT.

No. 3009-*S. R.*

Simla, the 26th June 1895.

ORDER—By the Government of India, Finance and Commerce Department.

Read—

Despatch from the Secretary of State for India, No. 85 (Financial), dated the 30th May 1895, forwarding copy of an Order of Her Majesty in Council of the 11th May 1895, entitled 'The Mail Ships (Rules) Order in Council, 1895.'

FINANCIAL. INDIA OFFICE;
No. 85. *London, 30th May 1895.*

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

In continuation of my despatch of the 6th of December last, No. 222, I forward, for the information of Your Excellency's Government, and for such measure as may be necessary, copies of an Order of Her Majesty in Council, entitled 'The Mail Ships (Rules) Order in Council, 1895.'

I have, &c.,
HENRY H. FOWLER.

AT THE COURT AT WINDSOR.

The 11th day of May 1895.

PRESENT:

The Queen's Most Excellent Majesty.

Lord President.

Lord Chamberlain.

Lord Kensington.

Speaker of the House of Commons.

Mr. Arnold Morley.

Whereas Section 8 (3) of 'The Mail Ships Act, 1891,' provides that it shall be lawful for Her Majesty in Council to make Rules for carrying into effect, as respects British Possessions, the provisions of that Act with respect to the security given by mail ships, and in particular with respect to the commencement of a legal proceeding by service of a writ or process in the Possession and to the notices to be given to arresting authorities in the Possession, and the evidence to be receivable by such authorities of the security having been given or withdrawn, and the application of the security in discharge of any damages, fine, debt, claim, sum, or forfeiture, where the same are or is recovered or payable either in the British Possession, or under proceedings pending concurrently in that British Possession, and in any other British Possession or the United Kingdom:

Now, therefore, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Notices of Exemption.

1. Any Rules of the High Court of Justice in England made under the provisions of 'The Mail Ships Act, 1891' (hereinafter referred to as 'the Act'), shall be transmitted by a Secretary of State to the Government of every Possession to which the Act is applied for the purpose of a Convention, and shall be published by such Government in the Gazette of the Possession, and also in such local official Gazettes published in the Possession as the Government of the Possession may prescribe.

2. A copy of every Notice and list published by the Board of Trade under the Act, or under any rules of Court made under the Act, shall be transmitted by a Secretary of State to the Government of every Possession to which the Act is applied for the purpose of a particular Convention.

3. A copy of every such Notice and list, signed by a Secretary to the Government of the Possession, or other prescribed officer, shall be published in the official Gazette of the Possession, and a copy of such Gazette notification shall be kept publicly exhibited in the Court-room of every Colonial Court of Admiralty in the Possession, and a copy of the said Gazette containing any such notification shall be receivable in evidence by every arresting authority in the Possession.

4. If, notwithstanding its exemption, an exempted mail ship is arrested in the Possession, the Government of the Possession, on being informed by the owner of such arrest and of the arresting authority, and on being satisfied that the ship is an exempted mail ship, shall forthwith send a special notice to the arresting authority, informing him that the ship is an exempted mail ship, and as such entitled to release.

Actions against exempted Ships.

5. An action may be commenced against the owners of an exempted mail ship in the like cases, in the same manner and subject to the same rules as an Admiralty action *in rem*, and in any Colonial Court of Admiralty in the Possession in which such an action might have been brought if the ship were not an exempted mail ship.

Orders by Courts in British Possessions for application of the Security.

6. Any order of a Court in a British Possession directing any security to be applied shall recite the name of the Court and of the action or proceeding, the cause of action, and the judgment-debt, and shall comprise a certificate by the Judge of the Court that the ship in respect of which the judgment is given is an exempted mail ship, and might but for such exemption have been arrested and sold in execution thereof, and that the judgment debt is still unsatisfied, and is payable out of the security lodged in respect of the ship in the High Court of Justice in England.

7. The order may require payment to be made either in London to a named agent of the execution creditor, or in the Possession to some named officer of the Court from which the order issues.

8. Every such order shall be sealed with the seal of the Court, and shall be drawn up in duplicate, addressed to the Admiralty Registrar, Royal Courts of Justice, London, and shall be transmitted under cover to the prescribed officer of the Government of the Possession.

9. The said duplicate orders when received by the prescribed officer shall be countersigned by him, and shall be forthwith transmitted to a Secretary of State, who shall cause one of such orders to be delivered to the Admiralty Registrar, and the Admiralty Registrar shall, subject to any direction of the High Court, make an order upon the Paymaster-General for payment of the required sum out of the security in accordance with these Rules.

10. Unless the High Court shall otherwise order, and subject to existing rights of priority of liens, orders for the application of any security shall be paid in the order in which they are received by the Admiralty Registrar; but where two or more orders are received at the same time, they shall be paid in the order of their respective dates.

11. Where the order requires payment to a named agent of the execution creditor in London, the money shall be payable at the rates of exchange current on the day on which the order is received by the Secretary of State.

12. If the order requires payment to be made to a named officer of the Court from which the order issues, such an amount shall be paid out by the Paymaster-General to a person nominated by the Secretary of State, as will at the rates of exchange current on the day on which the order is received by the Secretary of State be necessary to purchase a draft for the amount of the order payable at sight in the Possession, and such draft shall be in favour of the said named officer of the said Court.

13. Where any action or proceeding against the owners of an exempted mail ship is pending in a Court in a British Possession, involving a claim against the security lodged in the High Court in England, the Court in the British Possession shall transmit to the Admiralty Registrar notice of the pendency of such action or proceeding, stating the nature and amount of the claim and the proceedings taken in regard thereto; and in case of the subsequent discontinuance or other conclusion of such action or proceeding, whereby the security ceases to be affected, the Court shall transmit notice of such discontinuance or conclusion. Every such notice shall be sealed,

drawn up, addressed and transmitted to the Admiralty Registrar in like manner as an order for the application of the security.

Miscellaneous Provisions.

14. In every British Possession to which these Rules apply, the Governor in Council may, by Order, prescribe any matter directed by these Rules to be prescribed, or necessary for carrying them into effect.

15. In the application of these Rules to British India, the following provisions shall have effect:—

(*a*) The Presidencies of Madras and Bombay, the lower Provinces of Bengal, and the Province of Burmah shall be deemed to be separate British Possessions.

(*b*) The expressions 'Government of the Possession' and 'Governor in Council,' respectively, shall mean the Lieutenant-Governor of Bengal and the Chief Commissioner of Burmah, with respect to the territories administered by them respectively.

(*c*) All Orders made in pursuance of Rule 14 with respect to any part of British India shall be made with the previous sanction of the Governor General in Council.

16. In the application of these Rules to any British Possession in which there is a Vice-Admiralty Court, and no Colonial Court of Admiralty, these Rules shall be read as if 'Vice-Admiralty Court' were 'Colonial Court of Admiralty.'

17. In these Rules 'judgment debt' means any damages, fine, debt, claim, sum, or forfeiture found by any Court to be payable by the owner of a ship, and 'execution creditor' means the person entitled to a judgment debt.

Other expressions have the same meaning as in the Act.

18. This Order may be cited as 'The Mail Ships (Rules) Order in Council, 1895.'

And the Most Honourable the Marquess of Ripon, K.G., the Right Honourable the Earl of Kimberley, K.G., and the Right Honourable H. H. Fowler, three of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may, respectively, appertain.

C. L. PEEL."

(G. N. No. 2234, dated 3rd July 1895.)

61. Postage stamps purchased by Municipalities from Government treasuries are marked with the letter 'M' before issue. Municipalies are, however, not bound to purchase their stamps from Government treasuries, and when stamps are not so purchased, Treasury officers should not be required to mark them. (G. R. No. 1339, dated 13th April 1894.)

62. The use of stamps with letters printed upon them should, in view of the notification of the Government of India, Finance and Commerce Department, No. 294-S.R., dated 8th June 1894,* be discontinued by all Local Funds, District Boards and Municipalities. There is no objection to the use of a distinctive mark on the stamps if made by means of minute perforations. The work of perforating the stamps is not to be undertaken by any Government Department; the Local Funds and Municipal bodies may make their own arrangements in the matter. (G. Rs. Nos. 2563, dated 8th August 1894, and 4090, dated 12th December 1894.)

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* Whereas it has been found necessary for the prevention of the fraudulent employment of previously used stamps to provide that postage stamps defaced before posting by the impression of rubber or other stamps shall not be recognized by the Post Office in payment of postage.

The Governor General in Council has been pleased to frame the following rule under Section 63 of the Indian Post Office Act, 1866, and to direct that it shall be substituted for the rule published in Notification of the Government of India in the Finance and Commerce Department, No 3552,† dated the 16th October 1885, with effect from the 1st day of November 1894:

'XLIX. The postage of a letter, newspaper, or other article shall not be deemed to be prepaid by means of a proper stamp—

(*a*) if the stamp is stamp which has not been provided for use as a postage stamp under Section 36 of the Indian Post Office Act, 1866; or

(*b*) if the stamp has been obliterated, defaced, torn, cut or otherwise rendered imperfect; or

(*c*) if the stamp has upon it any word, letter, figure, or design printed or impressed upon it, otherwise than by the authority of Government, before posting; or

(*d*) if the stamp has been cut or otherwise separated from an embossed envelope or from a post-card; or

(*e*) if the stamp is on an embossed envelope, and that envelope is used as a wrapper for a newspaper, or is wholly or partly cut open;

Provided that nothing in this rule is intended to prevent the perforation of postage stamps with initials traced in minute holes.

(G. I., F. & C., Notn. No. 2941-S.R., dated 8th June 1894; *vide* G. R., No. 2198, dated 4th July 1894.)

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† Republished at page 1230 of Part I of the *Bombay Government Gazette*' dated 22nd October 1885.

Note:—The subject "Postal Matters" has now been transferred from the Financial to the General Department of the Secretariat (*vide* G. R., F. D., No. 4324, dated 16th September 1899.)